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09/808,045	03/15/2001	Takuya Kobayashi	2001_0309A	3218

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EXAMINER

KLINGER, SCOTT M

ART UNIT	PAPER NUMBER
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2153

5

DATE MAILED: 06/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/808,045

**Applicant(s)**

KOBAYASHI ET AL.

**Examiner**

Scott M. Klinger

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4</u> . | 6) <input type="checkbox"/> Other: _____  |

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### DETAILED ACTION

Claims 1-20 are pending.

#### *Priority*

A claim for foreign priority has been made. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file. The effective filing date for subject matter in the application is 16 March 2000.

#### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims are rejected under 35 U.S.C. 102(e) as being anticipated by Golden et al. (U.S. Patent Number 6,272,127, hereinafter “Golden”). Golden discloses network for providing switched broadband multipoint/multimedia intercommunication. Golden shows,

In referring to claim 1,

- A browser section for generating a retrieval request specifying locational information of content data to be retrieved presently:

*“The present invention aims at providing broadband multimedia communication over the standard circuit-switched public switched telephone network infrastructure (PSTN) while simultaneously and transparently interoperating with the public Internet packet-switched*

*infrastructure to effectively merge the capabilities of the two infrastructures into a seamless capability that can bring the benefits of using both types of existing switching infrastructures to large groups of users under the control of the same common and simple interface tools such as web browsers.” (Golden, col. 2, lines 8-17)*

- A protocol control section for determining a connection method for the content data specified by said browser section prior to reception of the content data; and  
*“Although the process of requesting a broadband network connection has been described above with reference to the example of a user interface process interacting with a user to select a connection, it should be apparent that many alternatives are possible. For example, additional layers of software can be built that automatically determine whether to use a packet-switched connection (e.g., low-latency applications such as text, small graphics, e-mail and small file transfers) or a circuit-switched connection (e.g., video, voice, complex graphics and animations, or large file transfers) for the particular type of communication desired, and how much bandwidth to request for each connection.” (Golden, col. 8, lines 50-62)*
- A communication control section for receiving content data specified by said browser section from said server under the connection method determined by said protocol control section:  
*“The invention enables users to establish both packet-switched connections for sending or receiving content for which low-latency and unpredictable response times are not a problem (i.e. text, small graphics, e-mail, small file transfers); and circuit-switched connections for sending or receiving content that benefits from streaming data at fixed data rates, without contention for bandwidth from other users during a communication session, (i.e. video, voice, complex graphics and animations, or large file transfers).” (Golden, col. 2, lines 17-26)*

In referring to claim 2,

- Content data includes locational information of each of sub-content data linked to the content data and connection method information indicating a connection method suitable for each of sub-content data:

*Golden, col. 2, lines 8-17* (see full quote above), *Golden, col. 7, lines 64-67* (see full quote above), the use of a hypertext web browser inherently implies analyzing the sub-content data linked to the content data and extracting a locational information (images and links in an HTML file) and a connection method (such as hypertext transfer protocol or file transfer protocol)

- Said browser section extracts the locational information and the connection method information of each of the sub-content data by analyzing the received content data, and then generates retrieval request specifying the locational information of sub-content data to be retrieved presently:

*Golden, col. 2, lines 8-17* (see full quote above), *Golden, col. 7, lines 64-67* (see full quote above), the use of a hypertext web browser inherently implies analyzing the sub-content data linked to the content data and extracting a locational information (images and links in an HTML file) and a connection method (such as hypertext transfer protocol or file transfer protocol), then using the extracted information to generate a content retrieval request

- Said protocol control section determines a suitable connection method for reception of the sub-content data specified by said browser section based on the connection method information extracted by said browser section:

*Golden, col. 2, lines 8-17* (see full quote above), *Golden, col. 7, lines 64-67* (see full quote above), the use of a hypertext web browser inherently implies analyzing the sub-content data linked to the content data and determining a connection method based on the sub-content data

In referring to claims 3, 8, and 13,

- Content data includes locational information and a file attribute of each of sub-content data linked to the content data:

*Golden, col. 2, lines 8-17 (see full quote above)*

*"The directory viewer 3152 contains a list of broadband network users, whose names 3154 are preferably shown as hypertext with links having URLs that are unique to the broadband network." (Golden, col. 7, lines 64-67)*

The use of a hypertext web browser inherently implies sub-content data and file attribute data for said sub-content data

- A connection information management section managing a connection information table including description of a suitable connection method in association with the file attribute of the content data:

*Golden, col. 2, lines 17-26 (see full quote above), a system that associates a file attribute with a connection type inherently implies a table to keep track of the associations*

- Said browser section extracts a set of the locational information and the file attribute of each of the sub-content data by analyzing received content data and holds the as internal information, and then generates retrieval request specifying the locational information of sub-content data to be retrieved presently:

*Golden, col. 2, lines 8-17 (see full quote above), Golden, col. 7, lines 64-67 (see full quote above), the use of a hypertext web browser inherently implies analyzing the sub-content data linked to the content data and extracting a locational information (images and links in an HTML file)*

- Said protocol control section determines a suitable connection method by, upon reception of the retrieval request generated by said browser section, receiving the file attribute pairing with the locational information specified in the retrieval request from said browser section and then extracting the suitable connection method pairing with the file attribute received from said browser section from said connection information management section:

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*Golden, col. 2, lines 17-26* (see full quote above); a system that associates a file attribute with a connection type inherently implies using the association to perform the connection

In referring to claim 4, 9, 14, and 19,

- Locational information is allocated to content data for indicating a storage location of the content data in said server, part of the locational information representing a feature of the content data:

*Golden, col. 2, lines 8-17* (see full quote above), *Golden, col. 7, lines 64-67* (see full quote above), the use of a web browser inherently implies locational information is allocated to content data (shown as a link in hypertext)

- The content retrieval device further comprises a connection information management section for managing a connection information table including description of a suitable connection method in association with the feature of the content data:

*Golden, col. 2, lines 17-26* (see full quote above), a system that associates a file attribute with a connection type inherently implies a table to keep track of the associations

- Said protocol control section determines a suitable connection method by, upon reception of the retrieval request generated by browser section, receiving the suitable connection method pairing with the part of the locational information included retrieval request from said connection information management section:

*Golden, col. 2, lines 17-26* (see full quote above); a system that associates a file attribute with a connection type inherently implies using the association to perform the connection

In referring to claims 6, 11 and 16,

- Generating a content retrieval request specifying locational information of content data to be retrieved presently:

*Golden, col. 2, lines 8-17* (see full quote above), *Golden, col. 7, lines 64-67* (see full quote above), the use of a hypertext web browser inherently implies generating content retrieval requests

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- Determining a suitable connection method prior to reception of the content data specified by said step of generating a content retrieval request:  
*Golden, col. 8, lines 50-62* (see full quote above)
- Receiving the content data specified by said step of generating a content retrieval request from said server under the connection method determined by said step determining a suitable connection method:  
*Golden, col. 2, lines 17-26* (see full quote above)

In referring to claims 7 and 17,

- Content data includes locational information of each of sub-content data linked to the content data and a connection method suitable for each the sub-content data:  
*Golden, col. 2, lines 8-17* (see full quote above), *Golden, col. 7, lines 64-67* (see full quote above), the use of a hypertext web browser inherently implies sub-content data linked to the content data and a connection method suitable for each the sub-content data
- Said step of generating content retrieval request extracts the locational information and the connection method information of each the sub-content data by analyzing the received content data, and then generates a content retrieval request specifying the locational information of sub-content data to be retrieved presently:  
*Golden, col. 2, lines 8-17* (see full quote above), *Golden, col. 7, lines 64-67* (see full quote above), the use of a hypertext web browser inherently implies analyzing the sub-content data linked to the content data and extracting a locational information (images and links in an HTML file) and a connection method (such as hypertext transfer protocol or file transfer protocol), then using the extracted information to generate a content retrieval request
- Said step of determining a suitable connection method determines a suitable connection method based on the connection method information extracted by said step of generating a content retrieval request:  
*Golden, col. 2, lines 8-17* (see full quote above), *Golden, col. 7, lines 64-67* (see full quote above), the use of a hypertext web browser inherently implies analyzing the sub-



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content data linked to the content data and determining a connection method based on the sub-content data

In referring to claim 12,

- Content data includes locational information of each of sub-content data linked to the content data and a connection method suitable for each of the sub-content data:

*Golden, col. 2, lines 8-17* (see full quote above), *Golden, col. 7, lines 64-67* (see full quote above), the use of a hypertext web browser inherently implies analyzing the sub-content data linked to the content data and extracting a locational information (images and links in an HTML file) and a connection method (such as hypertext transfer protocol or file transfer protocol)

- Said step of generating a content retrieval request extracts the locational information and the connection method information of each sub-content data by analyzing the received content data, and then generates a content retrieval request specifying locational information of a sub-content data to be retrieved presently, wherein said step of determining a suitable connection method determines a suitable connection method based on the connection method information extracted by said step of generating a content retrieval request:

*Golden, col. 2, lines 8-17* (see full quote above), *Golden, col. 7, lines 64-67* (see full quote above), the use of a hypertext web browser inherently implies analyzing the sub-content data linked to the content data and extracting a locational information (images and links in an HTML file) and a connection method (such as hypertext transfer protocol or file transfer protocol), then using the extracted information to generate a content retrieval request

In referring to claim 18,

- The content data includes locational information and a file attribute of each of sub-content data linked to the content data:

*Golden, col. 2, lines 8-17* (see full quote above), *Golden, col. 7, lines 64-67* (see full quote above), the use of a hypertext web browser inherently implies sub-content data and file attribute data for said sub-content data

- A connection information table including description of a suitable connection method in association with the file attribute of the content data is managed in advance:

*Golden, col. 8, lines 50-62* (see full quote above), a system that automatically determines a suitable connection method for a particular file type inherently implies the file attribute is associated with the connection method in advance

- Said step of generating a content retrieval request extracts a set of the locational information and the file attribute of each of the sub-content data by analyzing the received content data and holds the set as internal information:

*Golden, col. 2, lines 8-17* (see full quote above), *Golden, col. 7, lines 64-67* (see full quote above), the use of a hypertext web browser inherently implies analyzing the sub-content data linked to the content data and extracting a locational information (images and links in an HTML file) and a connection method (such as hypertext transfer protocol or file transfer protocol), then using the extracted information to generate a content retrieval request

- Generates a content retrieval request specifying the locational information sub-content data to be retrieved presently:

The use of a hypertext web browser inherently implies generating content retrieval requests

- Said step of determining a suitable connection method determines a suitable connection method by, upon reception of the content retrieval request generated by said step of generating a content retrieval request, receiving the file attribute pairing with the locational information specified the content retrieval request from said step of generating a content retrieval request, and then extracting the suitable connection method pairing with the file attribute received from said step of generating content retrieval request from said connection information table:

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*Golden, col. 7, lines 64-67* (see full quote above), the use of a web browser to view hypertext with URLs inherently implies a file attribute with a location and connection method

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5, 10, 15, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Golden in view of Jaisimha et al. (U.S. Patent Number 6,487,663, hereinafter "Jaisimha"). Golden shows substantial features of the claimed invention, including:

- A connection information management section for managing a connection information table including description of a suitable connection method in association with the file attribute of the content data:

*Golden, col. 2, lines 17-26* (see full quote above), a system that associates a file attribute with a connection type inherently implies a table to keep track of the associations

- Said browser section generates a first retrieval request specifying locational information of content data to be retrieved presently:

*Golden, col. 2, lines 8-17* (see full quote above), *Golden, col. 7, lines 64-67* (see full quote above), the use of a web browser inherently implies generating content retrieval requests

However, Golden does not show downloading a content header and using said header to determine the type of connection to be made for the file to be downloaded. Nonetheless this feature is well known in the art and would have been an obvious modification to the system disclosed by Golden as evidenced by Jaisimha.

In analogous art, Jaisimha discloses a system and method for regulating the transmission of

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media data. Jaisimha shows downloading a content header and using said header to determine the type of connection to be made for the file to be downloaded: *"The system comprises (1) a media file having media data and a header, the header including an access code corresponding to at least one permitted type of access to the media file; (2) a media server connected to a network and to media storage, the media file stored on the media storage, the media server responsive to a first request for the media file by transmitting the header ... the media player receiving the header and extracting the access code from the header, the media player determining from the access code that the media file is enabled for one of the at least one permitted type of access, the media player transmitting the second request to the media server upon the determination."* (Jaisimha, col. 2, line 51 – col. 3, line 1)

Given these teachings, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system of Golden so as to downloading a content header and using said header to determine the type of connection to be made for the file to be downloaded, such as taught by Jaisimha, in order to provide a *"convenient way of controlling the ways users can access media objects."* (Jaisimha, col. 2, lines 11-12)

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott M. Klinger whose telephone number is (703) 305-8285. The examiner can normally be reached on M-F 7:00am - 3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Scott M. Klinger  
Examiner  
Art Unit 2153

smk

  
**FRANTZ B. JEAN**  
**PRIMARY EXAMINER**